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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,585	09/28/2001	Toyoji Ikezawa	214607US2	2408

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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.  
1940 DUKE STREET  
ALEXANDRIA, VA 22314

EXAMINER
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LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2171

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/964,585	<b>Applicant(s)</b> IKEZAWA ET AL.	
	<b>Examiner</b> Etienne P LeRoux	<b>Art Unit</b> 2171	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2004.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 21-37 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 21-37 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 28 September 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) *  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### ***Specification***

Applicant is advised of possible benefits under 35 U.S.C. 119(a)-(d), wherein an application for patent filed in the United States may be entitled to the benefit of the filing date of a prior application filed in a foreign country. An application in which the benefits of an earlier application are desired must contain a specific reference to the prior application in the first sentence of the specification.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 21-27 and 29-37 are rejected under 35 U.S.C. 102(e) as being anticipated by US Pat No 6,338,050 issued to Conklin et al (hereafter Conklin).

Claims 21, 32 and 35:

Conklin discloses:

- storing in a database information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer [buyer processes per Fig 1g, col 19, line 57 through col 20, line 3, Conklin reads on maturity stages because Conklin discloses search and evaluation process, finding companies and their products, investigating prices terms and service offerings, etc.]

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- retrieving a portion of said information, said portion corresponding to at least one of said plurality of predetermined maturity stages [data downloads or activity reports on transaction data, col 19, lines 34-37]
- displaying said portion [participant has desktop computer, Fig 1a, 08, col 17, lines 15-35].

Claims 22, 23, 33, 34, 36 and 37:

Conklin discloses a customer-connection making stage [seller website, col 19, line 19-23]; a customer-relations making stage [Sponsor 06 sets rules and standards, col 19, lines 44-47]; a customer research stage [screening out frivolous or fraudulent inquiries, col 19, lines 47-55]; a customer attraction stage [advertisements and promotional activities, col 30, lines 1-15]; a product research stage [buyer processes, col 19, lines 57-60]; an issue resolution stage [participants in negotiation, col 26, line 3] ; a formal proposal stage [col 25, line 52]; a problem resolution stage [payment terms and conditions, col 26, lines 55-60]; and a contract forming stage [col 32, lines 16-22].

Claim 24:

Conklin discloses wherein said information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer comprises: status information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer [Fig 1m and col 20, lines 47-51]

Claim 25:

Conklin discloses wherein said information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer comprises: at least one of transaction status information and transaction quality information [determining an order's status [col 19, line 65-67]

Claim 26:

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Conklin discloses wherein said information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer comprises completion status information [col 19, line 67].

Claim 27:

Conklin discloses scheduled completion time [col 1, line 43].

Claim 29:

Conklin discloses recommended changes in action relative to completing a particular stage [col 24, lines 13-16].

Claim 30:

Conklin discloses business target information [Fig 15b, col 25, lines 34-51].

Claim 31:

Conklin discloses sales scenario data relative to a customer [Fig 15b, col 25, lines 34-51].

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

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Claim 28 is rejected under 35 U.S.C. 103(a) as being unpatentable over Conklin in view of US Pat No 4,839,829 issued to Freedman (hereafter Freedman).

Claim 28:

Conklin discloses the elements of claim 21 as noted above.

Conklin fails to disclose stage completion delay information.

Freedman discloses stage completion information [col 13, line 5-6].

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Conklin to include stage completion information as taught by Freedman for the purpose of identifying delays and noting the reasons for the delays [Freedman col 13, lines 5-7]. The ordinarily skilled artisan would have been motivated to improve Conklin's invention by providing additional information to assist in the management of the facility [Freedman, col 12, lines 43-45].

***Response to Arguments***

Applicant's arguments filed 5/17/2004 have been fully considered but they are not persuasive.

**Applicant Argues:**

Applicant states on page 9 "Conklin discloses a multivariate negotiations engine for international transaction processing including seller processes, sponsor processes, and buyer processes. Seller processes include alerts that a pending offer or counter-offer has been submitted. In addition, a seller may establish a website to store sales and advertising information. Also, a seller may be notified of offers/counter-offers by email or a browser. However, Conklin does not disclose or suggest Applicant's claimed step of 'storing in database information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer.' That is, in Conklin there is no reference to any predetermined maturity stages, let alone Applicant's disclosed maturity stages. Applicants further submit that Conklin

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fails to disclose Applicants claimed ‘retrieving a portion of said information, said portion corresponding to at least one of said plurality of predetermined maturity stages.’

**Examiner Responds:**

Examiner is not persuaded. During examination, examiner has to give the claim language its broad general meaning unless applicant has provided a specific definition. The term “maturity stage” will be given its broad general meaning because applicant does not provide a specific definition in the specification. Firstly, examiner maintains that the following is the generally accepted definition of maturity:<sup>1</sup> full-grown, fully or highly developed, perfected or worked out, in a state of full development. Examiner maintains the claim term “maturity stage” is inherent in the teaching of Conklin. There is no teaching in the Conklin reference which indicates to one of ordinary skill in the art that each stage (negotiations, sales, buying, etc.) is not perfected, worked out, and in a full state of development. One of ordinary skill in the art would deduce that each of the stages shown in Conklin’s Fig 1g are fully or highly developed, perfected or worked out, in a state of full development. It stands to reason that if an order is placed, refer Conklin Fig 1g, 78, then the order activity is successful and the previous stages are inherently perfected, fully worked out and in a state of full development, i.e., mature. Examiner maintains that the stages disclosed by Conklin read on the claim language “maturity stages.”

Examiner maintains that the claim limitation ‘storing in database information relative to each of a plurality of predetermined maturity stages of a sales transaction with a specific customer’ is taught by Conklin as evidenced by the following excerpt, i.e., Conklin’s Fig 1g and column 19, line 57 through column 20, line 3 which discloses buyer processes such as search and evaluation process, finding companies and their products, investigating prices terms and service offerings, etc. Furthermore, the following abstract by Conklin discloses that databases are basic to Conklin’s invention.

Abstract Text (1):

A multivariate negotiations engine for international transaction processing which: enables a sponsor to create and administer a community between participants such as buyers and sellers having similar interests; allows a buyer/participant to search and evaluate seller information, propose and negotiate orders and counteroffers that include all desired terms, request sample quantities, and track activity; allows a seller/participant to use remote authoring templates to create a complete Website for immediate integration and activation in the community, to evaluate proposed buyer orders and counteroffers, and to negotiate multiple variables such as prices, terms, conditions etc., iteratively with a buyer. The system provides secure databases, search engines, and other tools for use by the sponsor, which enable the sponsor to define the terms of community participation, establish standards, help promote the visibility of participating companies, monitor activity, collect fees, and promote successes. All this is done through a multivariate negotiations engine system operated at the system provider's Internet site, thus requiring no additional software at the sponsors', or participant sellers', or buyer's sites. This also allows buyers and sellers to use and negotiate payment options and methods that are accepted internationally. The system maintains internal databases that contain the history of all transactions in each community, so that sponsors, buyers and sellers may retrieve appropriate records to document each stage of interaction and negotiation. Documents are created by the system during the negotiation process.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

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<sup>1</sup> Webster's New World College Dictionary



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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne LeRoux whose telephone number is (703) 305-0620. The examiner can normally be reached on Monday – Friday from 8:00 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic, can be reached on (703) 308-1436.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Patent related correspondence can be forwarded via the following FAX number (703) 872-9306

Etienne LeRoux

9/3/2004

  
SAFET METJAHIC  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2100